

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LINDA DURAN,

Defendant.

4:12CR3091

MEMORANDUM AND ORDER

After hearing and considering the documentary and testimonial evidence presented at the defendant's detention hearing held on August 29, 2012, I concluded the defendant had failed to rebut the presumption that she must be detained. Specifically, I found:

The defendant has contacts throughout the United States and in Mexico, and since she is now facing very serious drug charges, has a substantial incentive to flee to escape prosecution. Further, the defendant engaged in the alleged criminal drug activity while caring for her children, thereby exposing them to a risk of harm.

(Filing No. 21). The alleged drug activity described by the testifying officer occurred while the defendant was living with her husband in Omaha, Nebraska. See Filing No. 1.

The court therefore finds that releasing the defendant to live at home and care for her children, with her husband serving as a third party custodian, does not address or ameliorate the risks previously identified.

Accordingly,

IT IS ORDERED that the defendant's motion for release, (Filing No. 31), is denied.

December 13, 2012.

BY THE COURT:
s/ Cheryl R. Zwart
United States Magistrate Judge